

# EXHIBIT C

Cause No. Q-277-10-1

FILED  
AT ~~10:00~~ O'CLOCK <sup>AM</sup> ~~CB~~

JAN 27 2010  
In the District Court  
LAURA HINOJOSA, CLERK  
DISTRICT COURTS, HILDAGO COUNTY  
BY ~~CB~~ DEPUTY

Christina Alanis Ibarra as Personal Representative of the Estate of Maria Magdalena Gonzalez Paz, of the Estate of Andres Paz Guevara and as next Friend of Kevin Aaron Paz Gonzalez, Carlos Andres Paz Gonzalez and minor children, Maria Guadalupe Guevara Izaguirre and Elvia Ibarra Leal  
v.  
VectorGlobal WMG Inc., VectorMex Inc. and Edgardo Mauricio Cantu Delgado

398 Judicial District

Hidalgo County, Texas

**PLAINTIFFS' ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Christina Alanis Ibarra as Personal Representative of the Estate of Maria Magdalena Gonzalez Paz, of the Estate of Andres Paz Guevara and as next friend of Kevin Aaron Paz Gonzalez and Carlos Andres Paz Gonzalez, minor children, Maria Guadalupe Guevara Izaguirre and Elvia Ibarra Leal, complaining of VectorGlobal WMG Inc., VectorMex Inc. and Edgardo Mauricio Cantu Delgado for their cause of action would respectfully show unto the Court as follows:

**I. DISCOVERY PLAN**

1.1 Plaintiffs intend for discovery in this lawsuit to be conducted under a Level III Discovery Plan in accordance with Rule 190 of the Texas Rules of Civil Procedure due

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to the nature of the case, the magnitude of the damages involved, and the number of expert witnesses involved.

## II. PLAINTIFFS

2.1 At the time this cause of action occurred Plaintiffs were residents of Hidalgo County, Texas. Kevin Aaron Paz Gonzalez and Carlos Andres Paz Gonzalez are the children of Maria Magdalena Gonzalez Paz and Andres Paz Guevara. Decedents, Maria Magdalena Gonzalez Paz and Andres Paz Guevara were residents of the State of Texas at the time of their death.

2.2 Kevin Aaron Paz Gonzalez and Carlos Andres Paz Gonzalez are the children of Maria Magdalena Gonzalez Paz and Andres Paz Guevara. Their individual wrongful death claims arising out of the deaths of Maria Magdalena Gonzalez Paz and Andres Paz Guevara are being brought through their next friend, Christina Alanis Ibarra. Christina Alanis Ibarra is Maria Magdalena Gonzalez Paz' biological sister and a resident of Hidalgo County, Texas.

2.3 Christina Alanis Ibarra also brings this suit as Personal Representative of the estate of Maria Magdalena Gonzalez Paz to recover just compensation for the injuries suffered by Maria Magdalena Gonzalez Paz prior to her death which survive to her heirs and estate in accord with section 71.021 of the Texas Civil Practice & Remedies Code.

2.4 Christina Alanis Ibarra also brings this suit as Personal Representative of the estate of Andres Paz Guevara to recover just compensation for the injuries suffered by Andres Paz Guevara prior to his death which survive to his heirs and estate in accord with section 71.021 of the Texas Civil Practice & Remedies Code.

2.5 Maria Guadalupe Guevara Izaguirre is a citizen of Mexico and the biological mother of Andres Paz Guevara. Elvia Ibarra Leal is a citizen of Mexico and the biological mother of Maria Magdalena Gonzalez Paz.

### III. DEFENDANTS

3.1 Defendant VectorGlobal WMG Inc., ("Vector"), is a corporation organized and existing under the laws of New York. VectorGlobal WMG Inc. can be served by serving its registered agent, Corporation Services Company, 80 State St., Albany, New York 12207. Plaintiffs request that the clerk immediately issue citation to this Defendant.

3.2 Defendant VectorMex Inc., ("Vector"), is a corporation organized and existing under the laws of New York. VectorMex Inc. can be served by serving its registered agent, Corporation Services Company, 80 State St., Albany, New York 12207. Plaintiffs request that the clerk immediately issue citation to this Defendant.

3.3 Defendant Edgardo Mauricio Cantu Delgado, ("Cantu") an Individual who is a resident of Mexico, New York and Florida may be served with citation at either Edgardo Cantu Delgado, Ave. Roble #565, piso 3, Col. Valle del Campestre, 66265 San Pedro Garza García, N.L., or Edgardo Cantu Delgado, 475 Fifth Avenue, Suite 1500,

New York, NY 10017. Plaintiffs request that the clerk immediately issue citation to this Defendant.

3.4 Pursuant to Rule 28 of the Texas Rules of Civil Procedure, Plaintiffs hereby give Defendants VectorGlobal WMG Inc., VectorMex Inc. and Edgardo Mauricio Cantu Delgado notice that they are being sued in all of their business or common names regardless of whether such businesses are partnerships, unincorporated associations, individuals, entities and private corporations.

#### IV. JURISDICTION AND VENUE

4.1 The subject matter in controversy is within the jurisdictional limits of this court.

4.2 This court has jurisdiction over Defendants because said Defendants purposefully availed themselves of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendants, and the assumption of jurisdiction will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

4.3 Defendants had continuous and systematic contacts with the state of Texas sufficient to establish general jurisdiction over said Defendants.

4.4 Furthermore, Defendants engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code,

in that said Defendants committed a tort in whole or in part in Texas and recruits or has recruited Texas residents for employment inside or outside this state.

4.5 Venue in Hidalgo County is proper under Section 15.002(a)(4) of the Texas Civil Practice and Remedies Code because Plaintiffs are residents of Hidalgo County, Texas.

#### **V. BACKGROUND FACTS**

5.1 On October 25, 2009 Edgardo Mauricio Cantu Delgado was driving a Porsche Cayman S when he crashed into a Ford F150 truck being driven by Andres Paz Guevara resulting in a violent crash between the vehicles. Maria Magdalena Gonzalez Paz, Kevin Aaron Paz Gonzalez and Carlos Andres Paz Gonzalez were passengers in the Ford F150 truck. As a proximate result of the wreck in question, Maria Magdalena Gonzalez Paz and Andres Paz Guevara sustained massive injuries from which they later died. At all times relevant to the crash in question, Edgardo Mauricio Cantu Delgado was acting within the course and scope of his employment with the Vector companies.

#### **VI. NEGLIGENCE OF DEFENDANT, EDGARDO MAURICIO CANTU DELGADO**

6.1 On the occasion in question, Edgardo Mauricio Cantu Delgado committed acts of omission and commission, which collectively and severally constituted negligence. Specifically, he failed to operate the Porsche he was driving on the date of the wreck in question in a reasonable and prudent manner. Furthermore, the negligent, careless and

reckless disregard of duty of Defendant Cantu consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendant Cantu failed to keep a proper lookout that would have been maintained by a person of ordinary prudence under the same or similar circumstances; and
- B. Defendant Cantu was operating his motor vehicle at a rate of speed which was greater than that would have been operated by a person of ordinary prudence under the same or similar circumstances; and
- C. Defendant Cantu failed to apply his brakes to his motor vehicle in a timely and prudent manner in order to avoid the crash in question.

#### **IX. RESPONDEAT SUPERIOR LIABILITY**

9.1 At the time of the incident in question, Edgardo Mauricio Cantu Delgado was an employee of VectorGlobal WMG Inc. and VectorMex Inc. and was acting within the course and scope of his employment. Therefore, pursuant to the doctrine of *Respondeat Superior*, Vector is responsible for the negligence of Edgardo Mauricio Cantu Delgado.

#### **XII. GROSS NEGLIGENCE OF DEFENDANTS**

12.1 Defendants committed acts of omission and commission which collectively and severally constitute gross negligence. When viewed objectively from the standpoint of Defendants at the time of the occurrence, these actions involved an extreme degree of risk, considering the probability and magnitude of potential harm to others. Furthermore, Defendants had actual and/or subjective awareness of the risk involved, but nevertheless proceeded with the above-enumerated actions with conscious indifference to the rights, safety and welfare of the Plaintiffs on the date of the

occurrence in question. Plaintiffs seek an award of exemplary damages at the time of the trial of this cause to punish this gross neglect.

XIII.

**WRONGFUL DEATH DAMAGES OF KEVIN AARON  
PAZ GONZALEZ AND CARLOS ANDRES PAZ GONZALEZ**

13.1 As a result of the death of their parents, Kevin Aaron Paz Gonzalez and Carlos Andres Paz Gonzalez, minor children have suffered damages in the past and will sustain damages in the future, which include pecuniary loss, loss of companionship and society, severe mental anguish and loss of inheritance which they will continue to suffer for the balance of their natural lives.

**DAMAGES OF MARIA GUADALUPE GUEVARA IZAGUIRRE**

13.2 As a result of the death of her son, Maria Guadalupe Guevara Izaguirre has suffered damages in the past and in the future, which include loss of companionship and society, and severe mental anguish, which she will continue to suffer for the balance of her natural life.

**DAMAGES OF ELVIA IBARRA LEAL**

13.3 As a result of the death of her daughter, Elvia Ibarra Leal has suffered damages in the past and in the future, which include loss of companionship and society, and severe mental anguish, which she will continue to suffer for the balance of her natural life.

**ESTATE OF MARIA MAGDALENA GONZALEZ PAZ**

13.4 Christina Alanis Ibarra also brings this suit as personal representative of all the heirs of Maria Magdalena Gonzalez Paz and of the estate of Maria Magdalena Gonzalez Paz to recover just compensation for the injuries suffered by Maria Magdalena Gonzalez Paz prior to her death which survive to her heirs and her estate in accord with §71.021 of the Texas Civil Practice & Remedies Code.

*a. Survival Damages*

- (1) pain and mental anguish;
- (2) fear and terror; and
- (3) funeral and burial expenses.

**ESTATE OF ANDRES PAZ GUEVARA**

13.5 Christina Alanis Ibarra also brings this suit as personal representative of all the heirs of Andres Paz Guevara and of the estate of Andres Paz Guevara to recover just compensation for the injuries suffered by Andres Paz Guevara prior to his death which survive to his heirs and his estate in accord with §71.021 of the Texas Civil Practice & Remedies Code.

*a. Survival Damages*

- (1) pain and mental anguish;
- (2) fear and terror; and
- (3) funeral and burial expenses.

#### **XIV. AMOUNT OF DAMAGES SOUGHT**

- 14.1 The amount of damages sought are within the jurisdictional limits of this Court.
- 14.2 Plaintiffs seek pre-judgment interest and post-judgment interest as allowed by law.
- 14.3 All conditions precedent to Plaintiffs rights to recover in each capacity in which they sue have occurred.

#### **PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Christina Alanis Ibarra as Personal Representative of the Estate of Maria Magdalena Gonzalez Paz, the Estate of Andres Paz Guevara and as next friend of Kevin Aaron Paz Gonzalez and Carlos Andres Paz Gonzalez, minor children, Maria Guadalupe Guevara Izaguirre and Elvia Ibarra Leal pray that Defendants be cited to appear and answer herein, that this cause be set down for trial before a jury, and that they have and recover a judgment of and from the Defendants, jointly and severally, for their actual and exemplary damages, in such an amount as the evidence may show and the jury may determine to be proper, together with prejudgment interest and post-judgment interest, costs of suit and such other and further relief to which all Plaintiffs may show themselves to be justly entitled.

**PLAINTIFFS REQUEST A TRIAL BY JURY.**

Respectfully submitted,

**CHAPA & NEVÁREZ, P.C.**

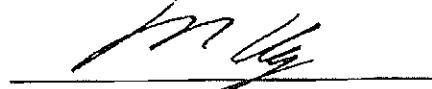
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